Chapter 1
Secularism: The conceptual Frame Work
SECULARISM: The Conceptual Frame Work

Man, as a rational being endowed with a sense of freedom and responsibility, does not remain satisfied only with his material existence. He wants to know and realize the meaning of his life. It is this perennial urge in man that inspires him to indulge in great creative activities. He creates great cultures and civilizations and tries to realize the meaning and value of life in and through them. It was this urge that led man to religion which became the reason for the divine as well as the most devilish deeds done by the mankind. ‘Religion’ is derived from the word ‘religare’ which means ‘to bind’. Etymology is not only incapable of explaining the meaning of the religion but can also be misleading considering various wars and clashes which took place in the history of civilization.

Practice of any religion is man’s right in a democracy and that practice can not make him inferior or superior to any one religion. Democracy can not be hypocrisy if it is not secular. If every member of the society is to enjoy equal human rights and participate without discrimination in the process of government, communal religious exclusion or preferential position for communities of certain faiths is a negation of the concept of government by the people. In matters of state concern, a secular culture obligates active neutrality so that no one suffers invidious disadvantages or enjoys greater privileges on grounds of caste, creed or sect. Effective separation between religious and temporal matters, with the state being kept out of the former, and God being kept out of the latter, is secularism.

The term “Secularism” was first used by the British writer George Holyoake in 1846. Although the term was new, the general notion of free thought on which it was based had existed throughout history. Holyoake gave the term ‘Secularism’ to describe his views of promoting a social order separate from religion without actively dismissing or criticizing religious
belief. At the same time he argued that secularism is not an argument against Christianity, but is independent of it. It does not question the pretensions of Christianity rather it advances others. Secularism does not say that there is no light or guidance elsewhere, but it maintains that there is light and guidance in secular truth, whose conditions and sanctions exist independently and act forever.\(^4\) Holyoake’s movement of secularism called attention to rationality and freedom of thought and expression. He was of the opinion that like scientific research, religious research should be carried out in a free atmosphere and for his findings a research scholar should not be persecuted either by the laws of state or the edicts of the church.\(^5\)

Secularism is generally the assertion that certain practices or institutions should exist separately from religion or religious belief. Alternatively, it is a principle of promoting secular ideas or values in either public or private settings. It may also be a synonym for ‘secularist movement’. It is an ideology which holds that religion has no place in public life in its fullest form. In one sense, secularism may assert the freedom of religion and freedom from the government imposition of religion upon the people within a state that is neutral on matters of belief and gives no state privileges or subsidies to religions. In another sense, it refers to a belief that human activities and decisions, especially political ones, should be based on evidence and fact rather than religious influence.\(^6\)

In political terms, secularism is a movement towards the separation of religion and government (often termed the separation of church and state). This can refer to reducing ties between a government and a state religion, replacing laws based on scripture with civil laws, and eliminating discrimination on the basis of religion. This is said to add to democracy by protecting the rights of religious minorities.\(^7\)
In the west the concept of secularism implied anti-religious thinking. It had its genesis in the conflict between the church and the state in the Middle Ages. To have a better appreciation of secularism as a concept, we need to look at its origin. It is basically a western concept. In Europe its origin can be traced back to the end of thirty years war under the treaty of Westphalia in 1648 which ended the power of Holy Roman Empire. Protestants and Catholics agreed at the Westphalia peace conference not to persecute dissenters for their religious beliefs. The safety of religious minorities was assured because their persecution in one state would have brought retaliation in another. But the state itself was not declared secular. The western concept of secularism implying anti-religious ideology can not be applied to India which is a multi-religious society. Secularism is neither a religion nor indifference to religion but equal respect for all religions, not more tolerance but positive respect, without it there is no future for the nation. Modernity also paved the way for the idea of Secularism. At the time of Enlightenment states shifted from the rule of the church to the rule of a secular ruler. The aims of the shift were better rights for the citizens; democracy, liberal rights, parliamentary system. Secularism limited the rights of the church to interfere in issues concerning governance. A secular state is then the opposite of religiously governed state.

Most major religions accept the primacy of the rules of secular, democratic society but may still seek to influence political decisions or achieve specific privileges or influence through church-state agreements such as concordat. However, fundamentalism opposes secularism. The most significant forces of religious fundamentalism in the contemporary world are fundamentalist Christians and fundamentalist Muslims. At the same time, one significant stream of secularism has come from religious minorities who see governmental and political secularism as integral to preserving equal rights.
In studies of religion, modern western societies are generally recognized as secular. This is due to the complete freedom of religion (one may believe in one religion, many religions or none at all, with little legal or social sanction), as well as the general belief that religion does not ultimately dictate political decisions. Secularism can also be the social ideology in which religion and supernatural beliefs are not seen as the key to understanding the world and are instead segregated from matters of governance and reasoning. In this sense, secularism can be involved in the promotion of science, reason and naturalistic thinking. Secularism can also mean the practice of working to promote any of those three forms of secularism. As such, an advocate of secularism in one sense may not be a secularist in any other sense. Secularism is an essential component of a secular humanist social and political ideology. Some societies become increasingly secular as a result of social progress, rather than through the actions and the thoughts of a dedicated secular movement; this process is known as secularization which means movement towards secularism.

The Oxford English dictionary defines secularism as “the doctrine that morality should be based solely on regard to the well being of mankind in the present life, to the exclusion of all considerations drawn from belief in God or in a future state”.

Secularism is not opposite to religion as such; it opposed rather to the use of religious institutions and religious motivations in the legal, political and educative processes. It insists on a functional division of the aptitudes, a kind of social separation of powers between different kinds of social activities. Religion, education and law should not encroach on each others territory. So long as religion does keep to its sphere, secularism is religiously neutral. It neither endorses nor disapproves of religiousness. Secularism then is (or is strictly the advocacy of) that disposition of social affairs in which law and education are independent of religious institutions
and religious motivations. Secularism is a historical development, this legal and educative non-dependence on religions tends to be established. In the educative context, secularism is “the attempt to establish an autonomous sphere of knowledge purged of supernatural, fideistic pre suppositions”. In the legal context, it is an attempt to establish a similar autonomous sphere of social ordering.\(^\text{14}\)

A definition of secularism as evolved in the west is more modest and less trouble-some. It is that approach in which social affairs should be ahead of religion and religion should not play any significant control in the society at gross root level. Thus the spectrum of independence should be dominated by society in general and it should be the target of every body’s affairs and not the religion. David Martin has argued that we should frankly admit that the various distinctions from time to time offered between ‘religion’ and ‘secular’ are all of them inadequate, inaccurate and inoperable; and that there is no way of sorting through their variety to any clear and operable definition either of ‘Secularism’ or of ‘religion’. Consequently they argued that there exists no process in social and cultural development which can meaningfully be called “secularization”.\(^\text{15}\)

Secularism is derived from the Latin Word ‘Saeculum’ that essentially refers to time and space. It implies indifference to religious or spiritual affairs and concentrates on worldly affairs in a given time. The conflict between religious faith and human reason, which forms part of the background to the emergence of the modern ideology of secularism, surfaced in the Middle Ages.\(^\text{16}\)

It is essential to note that secularism is possible only in a secular state, one would acknowledge the meaning of secular state there. According to P.E. Smith, “a state which guarantees individual and corporate freedom of religion, deals with the individual as citizen irrespective of his religion, is
not constitutionally connected to a particular religion does not seek either to promote or interfere with it”.

“It is a state which is separated from, unconnected with and not devoted to religion”. A secular state is, therefore, a state where citizens are not discriminated in any form or manner on the basis of their religion. The secular state views the individual as a citizen, nor as a member of a particular religious group. Religion becomes entirely irrelevant in defining the terms of citizenship, its rights and duties are not affected by the individual's religious beliefs.

HISTORICAL BACKGROUND OF INDIAN SECULARISM

We will now proceed to take the history of secularism in the Indian context. According to some historians, the concept of secularism is not an innovation of the modern age. It existed even as far back as the time of Ashoka and Kanishka who extended recognition and tolerance to all peoples, creeds and beliefs. Ashoka is regarded as the first secularist that the world has known, so is regarded as the symbol of secularism in India. However, some historians differ in their views. According to them, Ashoka could not be the first ‘secularist’ because he was actually the first Emperor to give a particular religion, i.e., Buddhism; the status of a state religion. Kautilya’s Artha Shashtra compiled at about 300 B.C. seems to be the earliest code of a purely secular character. It was not strictly a treaty on law but on science of government and contained exhaustive rules for the administration of the Kingdom. It contained two chapters on the administration of justice laying down rules on several topics of law; presumably for the guidance of the king or his court. Kautilya took a step towards secularization by asserting that the king’s ordinance was of over riding authority in the decision of disputes. According to him, ‘Dharma’ comes last. A new source of law purely secular in nature, was thereby introduced by him and given primacy over other sources.
The first ray of secularism, in the sense in which we understand it today, dawned in the medieval period of Indian history with the coming of Akbar. Akbar was well known for his religious tolerance and is famous for doing away with the \textit{Jizya tax} which the non-Muslims had to pay prior to his ascending to the throne. Not only this, in order to make understanding between the different religions prevailed in India, he endeavored to bring forth a new faith which he named the Din-i-Ilahi, in which he combined the good-points of all religions and left it at the discretion of his subjects whether or not to follow it. However, this good intention of Akbar has found criticism at the hands of certain people who claim that Din-i-Ilahi was nothing but making Islam suspicious and that it was a different name just to deceive the unsuspecting masses whatever the arguments for or against it, the new faith died with its founder.\textsuperscript{21}

The Hindu-society in its very early days was not a secular society or a theocratic society, it was a secular society, of course, like all ancient civilizations, Hindu civilization also went through a period of decay before it was revitalized by social philosophers and reformists.

Certain portions of Hindu law can be separated from the entanglement of religion and put on a secular basis. But this needs great discernment and circumspection. It is idle to say that law can be entirely divorced from religion. It is true that in large and important areas the influence of religion has decreased, these would come under the full sway of secularism. But there are areas where the influence of religion still prevails and even the secular state must recognize and make provision for it. India is a multi-religious state and hence Indian secularism has to develop a philosophy of co-existence.\textsuperscript{22}

Islam, the ‘revealed’ religion differs from the primitive religions because its motivation is essentially moral. In Islam, all moral rules must be
rationally related to what is just and good socially. We may say, that its social purposes are distinctly utilitarian and must therefore coincide basically and largely with those of secularism. Generally speaking, secularism is indifferent to individual beliefs about supernatural being but it is vitally concerned with what is socially good and just, which Islam as a social force, seeks to achieve. Muslim jurisprudence can contribute valuable ideas in formulating a uniform civil code, which is one of the objectives of our constitution mentioned in the chapter on Directive principles of state policy. It can also serve as a useful guide for avoiding such legislation for the Muslims which may go against the Shariat. Probably the most important function of Muslim jurisprudence is that while acting through the judge it can prevent in correct decision on matters of Muslim law.\(^{23}\)

The British colonial rule evolved a policy of religious neutrality in their colonies in the eighteenth and nineteenth centuries. The British tried to stay neutral on the disputes over religion, and were particularly careful not be seen as promoting Christianity. After the assumption of power in India by the British crown in 1858, a significant step was taken in instituting equality before the law by enacting uniform codes of civil and criminal law. The area left out was personal law, which continued to be governed by the respective religious laws as recognized and interpreted by the courts. The reason of very personal law was not brought to the scope of uniform civil code and was the reluctance of the colonial state to intervene in matters close to the very heart of religious doctrine and practice.\(^{24}\) However, there were various kinds of involvement in religious affairs that produced a somewhat confused interpretation of this phase. During certain periods, grants of money were given by the British government for the support of Hindu temples and Muslim Mosques, and Christian missionaries were actively discouraged. Later, under other officials, missionary work was vigorously promoted. In general the administration still remained fair, impartial and secular, and by
the end of nineteenth century most educated Indian would have been willing to concede that. Generally the aspect of the principle of religious neutrality was being faithfully adhered.\textsuperscript{25}

The British government very wisely compartmentalized the spheres in which religion was proved to influence the law strongly. It adopted an attitude of non-interference and neutrality. There were, however, strong evidences to prove that British Raj was far from being a truly secular government. Many colonial masters enthusiastically sponsored the missionary work and in 1813 parliament established legal connection between ‘government of India and church of England’.\textsuperscript{26} Moreover, there existed an Ecclesiastical Department in the central government that “continued to pay a large number of Christian chaplains and maintain Christian churches out of the public revenues of the country”.\textsuperscript{27} At the same, the British government wanted the various communities to initiate secular legislations and consequently a number of acts were passed at the instigation of Hindus in the closed perseverance of Hindu Law. However, little, if any, legislative interference was made in the realm of Muslim law. This experience indicates the right line of progress if the goal of uniform secular law is to be realized. The government could and did legislate whenever it was strongly motivated and one such example is the cast disabilities Removal Act of 1850.\textsuperscript{28}

The British rule in India, on the one side, brought the country together politically and through communications such as Railways, Postal Services, Telegraphy and also by providing a Link Language, in the form of English. This opened the window to the west and outside world to let the fresh breeze in secular ideas. But at the same time, the Britishers followed a policy of divide and rule and encouraged and established separate electorates for Muslims and Sikhs through the constitutional Reforms of 1909 and 1919, which ultimately culminated in fanning the communal hatred and Muslim
separation in of particular, which resulted finally partition of the country into a secular India and Islamic State of Pakistan. Pakistan became Islamic state and India maintained its sanity and continued as a secular state. Though its secular character was violated openly by various political organizations time to time. History bears testimony to the fact that the partition of the country on the basis of religion was untenable as the Muslim Pakistan was further subdivided into Bangladesh. It reveals in unmistakable terms that religion should not be the basis for a state as common religion alone could not hold the country united.

The nationalist movement in India, right from the latter part of the 19th century, drew inspiration from the secular concepts and the Indian National Congress (INC) remained a secular organization. Infact, in Indian nationalism, secularism was an important strand. They opposed religious fundamentalism and moves for the partition of the country on religious basis. Mahatma Gandhi considered religion a personal matter and he was for the promotion of a secular state. Pandit Jawaharlal Nehru was not only a socialist, but also a great champion of humanism and secularism. Even the other nationalist leaders had opted for secularism as the basis of India inspite of their personal preference for religion. That is why the founding fathers of the Indian constitution never hesitated to build India on secular foundations. Infact, they defeated the measures to bring any reference to god into the preamble of the constitution. They opposed and defeated the amendment of Mr. H. V. Kamath to invoke the name of god in the preamble to the constitution. Opposing the amendment of Mr. H. V. Kamath to start the preamble with the words, In the name of God”, great liberal Pandit H. N. Kanjru said: “Such a course of action is inconsistent with the preamble which promises liberty of thought, expression, belief, faith and worship to everyone.”
THE FOUNDING FATHERS OF INDIAN SECULARISM

Mahatma Gandhi has on his own part benefited the evolvement of the concept of secularism by clarifying the relationship between state and religion. Gandhi actually rejected the ideology of secularism without any qualifications, but interestingly and consistently advocated for a secular state completely detached from the religious concerns of the people. At the same time Mahatma Gandhi emphasized the inseparability of religion and politics and the superiority of the former over the latter. He has written that “those who say that religion has nothing to do with politics do not know what religion means.” For Gandhi religion was the source of absolute value and hence constitutive of social life and that is why politics were the arena of public interest. The inseparability of religion and politics in the Indian context was for Gandhi a fundamentally distinct issue from the separation of state from the church in Christendom. When he advocated that religion and state should be separate, he clarified that this was to limit the role of the state to secular welfare and to allow it no admittance into the religious life of the people. Gandhi died because he had striven unceasingly to promote Hindu-Muslim unity. There were competing nationalists discourses in India in the beginning of the twentieth century but Gandhi had tried to combine these under the aim of “Swaraj” (self-rule).

Jawaharlal Nehru was the main architect in the relation between the state and religion in India. While Gandhi put his faith in the reformed, ethnically refined individual, in creating a better if not the ideal society, Nehru considered the shaping of suitable institutions as the best means of achieving the same goal. Of all the modern institutions it was the state which he believed would be the principle engine of social change. The ideal state according to Nehru was first and foremost democratic, but also socialist because of its bad economic situation and secularist because of the cultural and religious diversity. Actually, Nehru was influenced by the experience
of European nations and Marxist thinking and believed that industrialization would erode the influence of religion. Therefore, he did not worry too much about religion or its political expression, namely communalism, because he passionately believed that these phenomena would vanish at the touch of reality. In a letter from 1931 he insisted that, ‘the real thing to my mind is the economic factor. If we lay stress on this and divert public attention to it we shall find automatically that religious differences recede into background and a common bond unites different groups. The economic bond is stronger than the national bond’.

Nehru insisted that once a national state come into being it would be economic problems that would acquire salience; there might be class conflicts but not religious conflicts, except in so far as religion itself expressed some vested interests. Nehru was committed to the ideas of the Enlightenment and represents better than anybody else in India the predicament of modernity. Nehru has described the creation of a secular state in a religious society as the biggest problem that he had during his years in power. In 1961, just three years before his death he wrote: “we talk about a secular state in India. It is perhaps not very easy even to find a good word in Hindi for ‘Secular’. Some people think it means something opposite to religion. That obviously is not correct. It is a state which honours all faiths equally and gives them equal opportunities”.

Even though Indian society at large was constituted by a diversity of cultures, languages, religions and customs, Nehru wanted it to become one nation in unity. Thus the secular state was a requirement in the project of nationhood, as it would guarantee the unity of India and further the identity of common ‘Indian-ness’. Secondly, the partition of the sub-continent into India and Pakistan in 1947, and the formation of the Islamic Republic of Pakistan, nevertheless left within the boundaries of India a very considerable majority of Muslims. During the partition Muslims and Hindus killed each
other without any hesitation, and if it had become for example a Hindu state, the living conditions of Muslims in India would have been difficult to guarantee as positive. Nehru’s views on the state’s neutrality towards all religions does not give clear directives as to how this pragmatic and diplomatic view is to be implemented when disputes regarding different claims on state support were demanded by different religious groups or when religious groups, collided over religious practices that allegedly violated their respective rights and their autonomies. Nehru admitted that before secularism can function in India, there needs to prevail a level of general education and a liberal outlook on life and scientific temper which unfortunately lack in India.

In brief, what was pursued by the founding fathers of Indian secularism was a separation of two realms in the public: one was the political realm, wherein the interest of national unity, non preference, and the rationalities and imperatives of the state compelled political actors to speak and act in certain ways, while at the same time praising the cultural diversity of India; the other was the cultural realm, wherein any community could celebrate itself and its own myths and exclude others. This cultural diversity was the foundation of the larger nation. However, the political realm was not supposed to be “contaminated” by unilateral celebration of one community or the open representation of particularistic interest of a community.

CONSTITUTION AND SECULARISM

The British influence, experienced with the workings of provincial autonomy and the popularity of federalism as a desirable political system for plural societies in the 20th Century influenced the framers of federalism. The Constituent Assembly recommended a centralized federal model for India according to the ideals of the upper caste English-educated supporters of the
national movement. The constitution of India gives far greater powers to the
central government in India than for example the federal constitution of the
United States does. The central government in India can not only command
and control states or provinces but also make their autonomy ineffective and
dismiss their governments and replace them with administrations run
directly from New-Delhi. The President may declare an Emergency in a
state if convinced that its government can not be conducted in accordance
with the constitution. This was meant to sustain national identity by giving
power to the central government, which would then be responsible for
educating the less educated rural masses on nationalism. The strong role of
the central government has been a significant factor in shaping the history of
independent India.

In the constitution that came into force on January 26, 1950, the terms
like secularism and secular state did not get mentioned. It was only in 1976,
after the passage of 42nd Amendment Act, that the term secular was added to
the preamble. It, however, does not mean that the constitution remained non-
secular till 1976. The spirit of secularism has always been present in various
constitutional provisions right from the beginning.

In the preamble to the constitution, India has clearly been referred to
as a sovereign, socialist, secular, democratic and republic that secures for all
its citizens: social, economic and political justice; liberty of thought,
expression, belief, faith and worship; equality of status and opportunity; and
promotes among them all fraternity assuring the dignity of the individual
and the unity and integrity of the Nation. The problem is that the
constitution does not define accurately what is meant by a secular Indian
state and how religion should be separated from politics and the state. The
most common conception of how this should be done, has been formulated
by Jawaharlal Nehru, but the definition does not have a legal basis.
The constitution in India also discusses the role of religion within the state. Religious rights were put into the constitution as perceived solutions to the problems of religious turmoil which haunted pre-independence India and which led to the partition between India and Pakistan. The chapter on Fundamental Rights guarantees the minority groups that they and their interests could not be overridden in a majoritarian democracy. In Part III on fundamental rights and the right to equality article 15 prohibits the Indian state from discriminating any citizen on grounds of religion, race, caste, sex or place of birth. The constitution advances principles of secular democracy (article 292) by prohibiting electoral reservations on the basis of religion and outlaws the establishment of a special electorate for Muslims (Article 32).

The constitution of India, abolished untouchability and its practice in any form was prohibited. Special preferences in the name of religion do not exist. In India, secularism does not mean mere separation of religion and state but, the abolition of untouchability and promotion of castelessness.

**BASIS OF SECULARISM IN INDIAN CONSTITUTION**

- Article 15.1 of the constitution lays down that the state shall not discriminate against any citizen on grounds only of religion.
- Article 16 provides equal opportunity for all citizens in matters of employment under the state. Further it prohibits in this matter discrimination or ineligibility on grounds of religion.
- Article 25 gives all persons freedom of conscience and right to profess, practice and propagate religion. It can make laws for regulating or restricting economic, political or secular activity associated with religion. Especially it can throw open Hindu religious institutions to all classes of Hindus.
- All religious denominations have a right to establish, maintain institutions and to own and manage property for religious purposes.
The state can not compel any one to pay taxes to promote or support a particular religion.

- Government educational institutions can not provide religious instruction. They, or even state aided educational institutions, can not deny admission to anyone on grounds of religion, nor can they compel anyone to take part in religious instruction or prayer.

- Religious minorities have a right to establish educational institutions and the state can not discriminate against them on that ground in granting aid. The constitution specially precludes communal electorate.

- It may be pointed out that the religious freedom of individuals and groups as well as neutrality on the part of Indian state is not absolute but is of a restricted nature.

- The freedom of religion is subject to ‘public order, morality and health’. This indicates that the state has the right to interfere in religious affairs that seems to be warranted in the Indian context for religious practices such as ‘Devadasi’, human sacrifice and untouchability needed to be banned.

- The restriction is also reflected in article 25(2) (a) which empowers the state to regulate and restrict any economic, financial, political or other secular activity which may be associated with religious practice.

- Article 25 (2)(b) provides for social welfare and reforms. State intervention is also indicated in the constitutional directive of striving to evolve a uniform civil code.²²

ADOPTION OF SECULARISM BY INDIA

The adoption of secularism by our constitution makers soon after the triumph of Jinnah’s two nation theory shows that for India there is no alternative to secularism. The tragedy that overtook in Pakistan at that time confirms the constitution-makers profound faith in secularism. To them we
must be grateful for saving us from a religion-ridden state and state-ridden
religion.

Secularism has an independent role to play in the social, political and
economic advancements in India. It seeks to eliminate from our soil the
sectarian conflicts tormenting our society for decades and to cement and
strengthen national solidarity. It seeks to build the nation in which
everybody's preferential motive will be national integrity. Gunnar Murdal
says that religion is the emotional container of traditional values and
nationalism is the corresponding container of modernization values. From
this point of view, secularism permits and to some extent facilitates India's
transition from tradition to modernity.

Indian secularism does not, however, banish religion from human life.
The India constitution admits that secularism and religion can co-exist. It
guarantees to all persons free exercise of religion. Freedom of religion, as
Dr. P.B. Gajendragadkar tells us, is the basis of Indian secularism.\textsuperscript{53} The
constituent Assembly adopted early in May 1947, clauses 13, 14 and 15 of
the draft constitution which deals with the freedom of religion.\textsuperscript{54} Clauses 13
and 14 sought to guarantee to all individuals\textsuperscript{55} freedom of conscience, and
the right to profess, practice and propagate religion and the right to establish
and maintain religious institutions and to manage their religious affairs and
to acquire and own property to all religious denominations.\textsuperscript{56} Clauses 15
sought to enjoin the state from compelling an individual to pay taxes to
maintain a religion or a denomination.\textsuperscript{57} The Assembly referred back to the
Advisory Committee for minorities clauses 16 and 17, which dealt with
restrictions on imparting of religious instruction in educational institutions
and propagation of religion.\textsuperscript{58}

On April 3, 1948, the constituent Assembly passed a resolution
which, according to K.M. Munshi, is the definition of Indian secularism.
“Where it is essential that for the proper functioning of democracy and the growth of national unity and solidarity that communalism should be eliminated from Indian life”.  

On August 8, 1947, the advisory committee on minorities recommended joint electorates with reservation of seats in legislatures for 19 years for Muslims, Christians and the scheduled castes. Jawaharlal Nehru defended this concession by saying that he was not sure how the people will behave towards the minorities if those reservations were not granted to it. Dissatisfied with this concession, Khaliquz-Zaman pleaded for separate electorates for the Muslims as there was no longer any third party to which the Muslims could appeal. Pandit Pant retorted; “Do you want a national secular state or a theoretic state? If the latter, it can only be a Hindu State”.

The special sub-committee on Minority Rights reconsidered this issue and stated in its resolution, which reiterated the resolution of April 3, 1948, that separate electorates were a cause and an aggravated manifestation of the spirit of communalism and that to build a strong state “which will hold in times of peace and war, of property and adversity, the constitution should contain no provision which would have the effect of isolating any section of life”. The advisory committee resolved on 11 May, 1949, that a “system of reservation for minorities other than scheduled castes be abolished in legislatures”.

On a resolution moved by Sardar Patel, chairman of the Advisory Committee, the constituent Assembly abolished separate electorates and reservations for the Muslims and the Christians in legislatures. Frank Anthony spoke about the prevalence of communalism in the country, the identification of free India, in some circles with Hindu Raj and Indian culture with Hindu culture. He said that secularism was an ideal yet to be
achieved. Dr. D. H. Mookerjee asked: “Are we really honest when we say that we are seeking to establish a secular state”.

Nehru agreed that secularism was “an Ideal to be aimed at” and that they were all products of the past, carrying in their hearts and minds the taint of communalism. However, he reminded the Assembly that the establishment of a secular state was “an act of faith for all of us, an act of faith above all for the majority community because they will have to show after this they can behave to others in a generous, fair and just way. “Let us live up to that faith”.

Loknath Misra regarded secularism as the maximum concession that the Hindus could grant to the non-Hindus in India. He regretted, however, that secularism was a device to bypass the ancient culture of India. He denounced Article 19 which, inter alia, guaranteed freedom to propagate religion, as “a character of Hindu enslavement the most disgraceful Article, the blackest part of Indian constitution”. He feared that Article might “pave the way for the complete annihilation of Hindu culture, the Hindu way of life and measures”. He almost raised the cry of “Hinduism in danger” when he said that the Islam had declared its hostility to Hinduism and Christianity, its policy to penetrate by the back door, on the out skirts of Hindu social life”.

Pandit Lakhsmi Kant Mitra, along with others, refuted the contentions of Misra, Pandit Mitra explained the scope and nature of Indian secularism.

“The state is not going to make any discrimination whatsoever on the ground of religion or community against any person professing any form of religious faith. This means in essence that no particular religion in the state will receive any state patronage whatsoever. The state is not going to
establish, patronize or endow any particular religion to the exclusion of or in preference to others”.

INDIAN CONCEPTIONS OF SECULARISM

The constitution neither defined secularism nor uses the expression ‘secular’. The constitution makers presumably looked upon secularism as a functional concept and were anxious to provide for it a supple framework that would facilitate its evolution or adoption to the changing needs of a developing nation. They did not, therefore, lockup Indian secularism in a definition; they simply enshrined it in the constitution its basic outlines.

Sharma and Cantwell Smith say that three different conceptions of secularism can be woven into a framework. The western concept connotes a separation between state and church; the Hindu concept means the acceptance of all religions; and the nationalist interpretation envisages substitution of national loyalties for religious loyalties, at least in certain spheres of life. In India there is no specific church. The negative western notion presupposes the existence of a church. While the Hindu notion permits promotion of all religions equally by the state and teaching in educational institutions even one particular metaphysical doctrine ‘pluralism’, even though this may be offensive to the minorities. The nationalist interpretation requires that a secular individual should, or ought to, focus his moral commitment, social idealism, and constructive energies on the welfare of the nation. The western notion may be compatible with the Hindu views, but definitely not with Atheist or Christian or Muslim views. The nationalist interpretation may go with all, but not easily with many.

Expounding a very interested thesis, an ex-chief justice of India wrote recently that Indian secularism “subscribes to the Hindu philosophical tenet
that all religions have elements of truth and no religion can claim the monopoly of truth. From ancient times Hindu philosophers have consistently proclaimed that all religions lead to God and unlike some other religions, Hinduism has never put forth the claim that it alone is the true religion. The spirit of tolerance is the foundation of the theory of secularism. 76

Radhakrishnan, ex-president of India and a noted social reformist too says, “secularism as here defined is in accordance with the ancient religious tradition of India, 77 which regards religious dogmas as approximations of truth and not truth itself. 78 The popular view that Hinduism radiates tolerance is, however, accepted with reservations by others”. V.K. Sinha says:

“The ‘tolerance’ of Hinduism is one of the myths of modern Indian thinking, kept alive by uncritical repetition. It is true only in matters of faith. In practice in regard to the breaking of caste, Hinduism is as intolerant as any other religion”. 79

Cantwell Smith also says “But the Hindus with their caste system, negate their intellectual breath by a social intolerance that is the most rigid in the world”. 80

Even if Hindu tolerance is not a myth and commands faithfull observance among Hindus even now, still it can not be regarded as the be-all and end-all of secularism. 81

Though the need for tolerance in India is self-evident, Indian secularism must comprehend much more than tolerance and separation of church and state. It must require the replacement of religious loyalties within national loyalties. People must have a concept of the nation as a whole attach positive value to this idea before they can feel that national consolidation is worth-striving for.
It is not suggested here- the constitution, too, does not envisage- that religion should be banished from our lives. Society needs religion, religion can enrich and ennoble our lives. It should, however, deal not with dogmas and rituals but with the higher values of life.

DIFFICULTIES WITH INDIAN SECULARISM

The transferability of the idea of a nation or state based on secularism into multi religious societies like India is beset with many difficulties. It should be realized that secularism cannot be restricted to rationalism, but should be compatible with faith. The Indian version of secularism implies that while the public life may or may not be kept free of religion, it must have space for continuous dialogue between religious traditions and between religion and secularism. The state in independent India is officially secular as it is not allied with any particular religion or an instrument of any church. Yet in practice the Indian state does not separate itself from religion, but tries to give a picture of itself as a neutral country by openly and impartially recognizing all religions and their social practices. Religious rituals, often with a preference for the Hindu, form a part of public functions held under the auspices of the state.

The founding fathers of the Indian constitution and the congress leadership were quite aware that it was necessary to avoid an overt politicization of community identities. Secularism was seen as the only possible option that would be able to provide harmonious living together for the different tribes and people of India. Unfortunately Indian understanding of secularism failed to provide a satisfactory relationship between state and religion and the founding fathers were not able to explain to the people in their own languages what was meant by secularism.
Partha Chatterjee claims that the application of the three constitutional characteristics of a secular state to the situation in India has led to major anomalies. These anomalies can be said to be the special features of Indian secularism. The first principle, that is, a right to freedom of religion, gives to every citizen not only 'the equal right to freedom of conscience but also the right freely to profess, practice and propagate religion'. However, the state has the right to regulate 'any economic, financial, political or other secular activity which may be associated with religious practice' to provide for social welfare and reform to all sections.

The second principle 'equality' prohibits the state from discriminating against any citizen solely on the basis of religion or caste, except when it makes special provisions for the advancement of socially and educationally backward classes or for scheduled tribes. Such special quotas in employment and education, or reserved seats in representative bodies, have of course led to much controversy in India in last few decades. These quotas can be seen as positive discrimination in favour of scheduled castes. In order to qualify as a member of a scheduled caste, a person must profess either Hindu or Sikh religion; a public declaration of the adoption of any other religion would lead to disqualification from the quota.

The third principle, the separation of state and religion, declares that there shall be no official state religion, no religious instruction in state schools, and no taxes to support any particular religion. But the state has been entangled in the affairs of religion in numerous ways and the degree and extent of entanglement has increased since independence. The wall of separation can hardly be applied to the present Indian situation. This is precisely one of the reasons why Indian secularism is interpreted differently from western secularism. The cultural and historical realities of the Indian situation call for a different relationship between state and civil society than what is regarded as normative in western political discourse, at least in the
matter of religion. In India the state should favour all religions equally which would be a required extension to the principle of equality.\textsuperscript{88}

THE SECULAR RECORD

For the first several decades after independence and partition, the Indian National Congress thoroughly dominated politics, and the party’s wide aegis covered a varied array of opinions and interests.\textsuperscript{89} Not all congress members were committed to secular principles. Many, including Nehru’s successor as Prime Minister, Lal Bahadur Shastri (1964-66), were inclined to favour Hindu primacy. Nevertheless the constitutional commitment of secularism, the large number of votes to be found among Muslims and the presence of numerous dedicated secularists in party ranks kept congress loyal to secular principles and practices.

Moreover, the principal anti secular party, the Bhartiya Jana Sang (the predecessor to the BJP), failed to attract many adherents and hence posed only a minor electoral challenge. The Jana Sangh’s shortcomings as a vote getter came in part from its dubious ties to the Hindu radicalism of the Rashtriya Swayam Sevak (RSS), and organization that had been implicated in the January 1948 assassination of Mohandas Karam Chand Gandhi. The Jana Sangh also held little attraction for India’s lower-caste Hindus or minorities because of its upper-caste Hindu orientation and its explicitly antiminority rhetoric.

Congress’s political dominance began to slip in the late 1960s and with it India’s secular principles began to be sapped. In 1967, the post-Nehru party suffered a significant defeat at the polls on issues both personality and substance, and soon split in two. Nehru’s daughter Indira Gandhi had become Prime Minister upon Shastri’s sudden death of natural causes in 1966, and she played a significant role in engineering this schism.
By the early 1970s, Gandhi had tenuously restored congress to a leading position by making populist promises to abolish poverty. But her triumph was fleeting under her tutelage, congress and indeed most of India’s political institutions fell into disarray. Whereas her father had played a significant role in building up key institutions from the independent judiciary to the robust party system, Indira Gandhi attempted their decline.\(^{90}\) As is evident by the 42\(^{nd}\) amendment which was modified after warning from Supreme Court of Indian that if the provisions to abrogate the supremacy will not be modified, the supreme body will declare whole amendment bill as null and void. The full reasons for her attack on India’s institutions are highly complex. Her populist rhetoric and practices stirred a wave of mass political mobilization. She saw established institutions—including the independent judiciary and civil service as well as the democratic internal procedures of her party itself as barriers to her goal of prevailing politically at the head of a securely dominant congress party. Hence her assault on these institutions and her reckless abuse of such constitutional prerogatives as the right to dismiss state governments.\(^{91}\)

Secularism, a cornerstone of the Indian constitutional order and a principle that congress under Nehru had mostly championed, was another set of restraints to be opportunistically knocked aside by Indira Gandhi’s electoral surge. There was a double irony here, for not only had her father been among secularism’s founders, but her own personal commitment to secularism was never in doubt.\(^{92}\) Her actions against the secular enterprise can not be separated from her general hostility towards constitutional proprieties or her willingness to thwart the rule of law when votes were at stake.

Gandhi’s readiness to overstep the bounds of constitutional propriety on secularism and other matters created space for the rapid rise of anti-secular alternative. The Jana Sangh was the leading candidate for the role
founded formally in 1951 but with roots that stretched back to the 1920s and the early years of such militant Hindu organizations as the RSS and Mahasabha, Jana Sangh had its social base among the upper caste Hindus of north India. The group had long viewed itself as congress's rival for the allegiance of India’s Hindu majority and had always taken an anti-Muslim, anti-Pakistan stand. Despite a strong economic nationalist strain in Jana Sangh’s ranks, it was more sympathetically inclined toward market-oriented economic policies than was congress which leaned socialist.

In 1975-76, Indira Gandhi declared ‘emergency rule’ allowing her to seize in a kind of executive self-coup and encroach civil liberties in the process. The election of 1977 turned her out of power and left congress in disarray. As part of these events, Jana Sangh had emerged briefly with other groups to create the short-lived Janata (people’s) party and rule as part of a governing coalition that hung on shakily until 1980. When voters swept Indira Gandhi back into power that year, the new BJP with the old Jana Sangh cadres at its core, emerged out of the Janata coalition’s wreckage. Ever since then, the BJP has been the anti-secular standard bearer. Around it swirls an alphabet soup of mass based groups including not only the RSS but the VHP (Vishwa Hindu Parishad founded in 1964), and the Bajrang Dal (the VHP’s youth wing, founded in 1984). Together, the whole collection of BJP and its affiliates is known as the sangh pariwar.

A series of events, some accidental, others deliberate, tore at Indian secularism beginning in the 1980s and allowed the emergence of anti-secular politics. Three episodes in particular stand out as deliberate attempts that undermined the secular order: 1) Indira Gandhi’s political courtship of a violent Sikh fundamentalist preacher in the early 1980s: 2) the 1986 decision of her son and political heir, Rajiv Gandhi, to overturn a critical decision of the supreme court on Muslim personal law; and 3) the failure of the congress government headed by Prime Minister Narisimha Roa to stop a
Hindu nationalist mob from tearing down Ayodhya’s Babri Masjid in December 6, 1992 which is treated as darkest day in the secular corners of India.

The unraveling of the secularist fabric started with the rise of demands for regional autonomy in the Punjab, a north-western border state, divided with Pakistan during partition, that had a slender Sikh majority and the manner in which the Indian state under Indira Gandhi responded to those demands. A desire for regional autonomy had long made itself felt in the Punjab, but the constitutional order and the practice of Indian federalism has managed to curtain this desire during the first three decades of independence. Then came the 1980s, with their confluence of greater mass political mobilization and an increasingly ossified congress party-factors that together fueled the rise of regional parties across the vast breadth of the sub-continent. The local manifestation of this phenomenon in the Punjab struck Indira Gandhi with special force. She detected in the appearance and rhetoric of the regional Akali Dal party not only a threat to congress’s dominance but also a strong whiff of secessionism. In a deliberate attempt to undermine the growing popularity of Akalis, she chose actively to court and encourage a violent fundamentalist Sikh preacher, Jarnail Singh Bhindranwale, who had political ambitions of his own and proved to be more than a match for her. Soon he and his followers had turned their wrath against the Hindus of the Punjab, terrorizing them at will and killing hundreds, often by sending motorcycle riding terrorists to spray crowds by firing from deadly weapons.

Not surprisingly, these rampant attacks on Hindus, orchestrated by Bhindranwale from the Golden Temple in Amritsar, the holiest of Sikh Shrines, led to the Hindu backlash across northern India and helped solidify an otherwise atomistic set of communities. Worse still, the communal violence created a whole new rift in the Indian society-between Hindus and
Sikhs. Unable to contain Bhidranwale’s terror campaign, Gandhi ordered the army to attack the Temple in June 1984. The military operation on the night of June 5-6 proved costly in both human and political terms.

On October 31, the Prime Minister’s own Sikh bodyguards assassinated her. In response, Hindu mobs with links to the congress party went on a systematic rampage, slaughtering Sikhs at will throughout the capital city of New Delhi. This incident which costed thousands of lives, did not stop until the army was called out to restore order several days into November. The complicity of the congress party in the revenge killing of Sikhs showed the danger and doubt that now shadowed the practice of secularism.

The assault on secularism and the disregard that Indira Gandhi had evinced for institutions continued under her son and successor, Rajiv Gandhi, albeit in a more complex and convoluted fashion. He was a secularist personally, but found the idea of scoring quick electoral gains by tampering with secularist institutions and norms too tempting to turn down.

THE PROBLEM OF MUSLIM PERSONAL LAW

The second major step in the unraveling of the secular order was the Shah Bano case, which began in 1985. Shah Bano was an indigent and divorced Muslim women who appealed to the Indian Supreme Court under section 125 of the code of criminal procedure. She wanted the court to overrule her ex-husband’s claim that Muslim personal law exempted him from having to pay her alimony. The court ruled that, despite the existence of a separate Muslim personal law, the husband was indeed obliged under Indian criminal law to make the alimony payments. The court’s opinion was in line with the ameliorative tradition in Indian secularism. According to this view state authorities could actively intervene in the name of supreme public
values such as equal justice to change deeply embedded and historically sanctioned practices, even when some claimed religious sanction for such practices. Thus the laws of modern India had altered Hindu inheritance customs and done away with untouchability, which has its provisions in constitution under Article 17.

In reality, of course, things could not be so simple. The courts judgment in the Shah Bano case angered many Indian Muslims. Leading Muslim politicians insisted vociferously that their personal law was now in danger. There was a dramatic surge in political mobilization among Muslims nation-wide and in north India especially. Also fueling this mobilization were growing ties between certain Indian Muslims and their coreligionists in the Persian Gulf States. During the oil-boom years of the 1970s and 1980s many (often skilled) Indian Muslims took high paying jobs in the Gulf region and came home flush with previously unheard of wealth and a much greater readiness to assert the claims of their community. To accommodate the Muslim ferment, Rajiv Gandhi used his parliamentary majority to grant Muslims a separate dispensation in matters of marriage and divorce. Grasping the danger of a backlash from Hindu Voters, advisors to Rajiv Gandhi concluded that they needed to assuage the majority’s anxieties. Sadly, the method that they chose would badly wound Indian secularism yet again. The issue that congress decided to highlight touched on the most primeval elements of Indian culture and society.

THE AYODHYA CRISIS

Most practicing Hindus believe that Ayodhya in Uttar Pradesh, India’s most populous state, is the birth place of lord Rama, the legendary hero-king who together with his three half brothers, is believed to have make up the seventh Avatar or incarnation of the Hindu god Vishnu. Ever since the nineteenth century Hindu activists had been claiming that a
sixteenth century mosque (The Babri Masjid) built there by the Mugal emperor Babur stood on the spot of an earlier Hindu temple allegedly torn down by Muslims-marking Lord Rama’s exact birth place. Hindus had sought to build a new temple in the vicinity during the British Raj, but the authorities stopped them. In December 1949 after independence, Hindu zealots placed icons of Lord Rama within the Babri Masjid’s sanctuary. Fearing religious discard, the Nehru government in Delhi sent word to state and local officials that the icons would have to go. The local magistrate refused and was eventually sacked. The U.P. state government left the icons in place, but sealed the mosque to head off trouble. There after the issue lay mostly dormant, despite occasional Muslim law suits and Hindu agitations.

The decision by Rajiv Gandhi’s government to make a national issue of this dispute between two religions over a single piece of holy ground was entirely deliberate and calculating. The Ayodhya conflict did not happen but it was consciously engineered. The opportunity began to take shape in 1985, when the Hindu militants of the VHP reacted to the Muslim mobilization that followed the Shah Bano case by launching a mass agitation to demand the unsealing of the Babri-Masjid. In early 1986, a lawyer petitioned the court for opening the Masjid for Prayers. A judge agreed with him on appeal and ordered the mosque unlocked.

The BJP and its affiliates started a nation wide campaign to demolish the mosque and construct a Hindu temple in its place, urging people from across India to send bricks to Ayodhaya for this end. Congress resorted to symbolic gestures aimed at arousing Hindu feelings. Among other things, it arranged for the state run television network to serialize a version of the Ramayana (or story of Rama), one of the two great Hindu epics; it launched a local electoral compaign from faisalabad, a town near Ayodhya; and it allowed the foundation stones of the proposed temple to be laid near the mosque. 96 Thus from the 1984 to the 1989 national elections, the BJP went
from just 2 to 88 parliamentary seats. Rajive Gandhi and Congress, meanwhile, failed even to gesture towards pursuing a counter mobilization strategy based on the reaffirmation of secular principles such as freedom and tolerance, giving the BJP all the moral and political space it needed to push its viciously anti-secular agenda.

SECULARISM INDIAN STYLE

India is pursuing its own peculiar secularism. Often the political parties, especially the religious oriented dub secularism as “western”.

It all started with the perverted interpretation of secularism by Dr. Sarvepalli Radha Krishna (The president of India and interpreter of Hinduism). Dr. Radha Krishan defined secularism as equal respect to all religions and never should be considered as irreligions. Political parties in power follow this definition and take advantage of the situation to their advantage.

Mahatma Gandhi realized in the last days of his life the need for separation of religion from politics, especially the state. Gandhiji always practiced religion in politics through prayers. He followed the principle of equal respect to all religions. At the fag and unfortunate end of his life Gandhi wanted non-interference of state in the religious matters. He also emphasized the separation of religion so that it can be practiced only at personal level. But that was too late. He did not live longer to propagate the separation of religion from politics.

Jawaharlal Nehru as first Prime Minister of India always stood for secularism. But he could not take it to the logical end due to pressures from political and religious lobbies. He even failed to bring Uniform civil code in the country.
Congress Party

Usually the congress party is considered to be secular by and large. Barring J. L. Nehru, all the Congress Prime Ministers, and others at various levels followed religious practices ‘officially’. To invite Hindu priests on the occasion of oath taking ceremonies, inaugurations, opening of new projects, laying foundations, etc. To avoid criticism they involve Christian priests and Muslim Mullahs publically at the cost of government funds. The government officially declares holidays to all religious festivals. Temples, Masjid and churches are allowed in the premises of government offices. During office hours the prayers are allowed. Persons bring their own individual Guru’s pictures, images into the offices. Government officially patronage the pilgrimages, provide all facilities and extend financial concessions. Government lands are allotted to religious purposes. Each religion took advantage of the weakness of political parties and gained much to benefit in one or the other ways. Religious establishments became powerful institutions with huge amounts accumulated. All religions get exemptions from taxes. There is no accountability either for illegal money or business affairs conducted in the name of spiritual activity.

Cult Babas, holy women gather around politicians and built empires of ashrams. Even criminal activity of holy persons goes undetected except in rare cases. Dhirendra Brahmachari a cult of holy persons was very powerful during Mrs. Indira Gandhi tenure of Prime Minister Ship. Chanda Swami, a cult person emerged as spiritual ambassador during the time of Mr. P. V. Narasimha Rao’s premiership. In each state several holy cult persons amassed wealth and established powerful empires. They developed connections with politicians who always come to their support in need.

Presidents of India prostrated before the holy persons and visited several of them ‘officially’. Similarly Prime Ministers, Ministers, Judges,
officials made their religious visits official. All these practices made secularism more difficult in public life. The confusion about secularism percolated to all levels. The compulsion of elections, made the political parties impotent before cults—religious holy persons.

**Communist Parties**

The left parties are supposed to be secular and non-religious, if not irreligious, but this is not so. Communists gained power in states several times. They did not practice secularism. Take the example of Kerela communists ruled the south Indian state quite for some time. There is Ayyapa cult in Kerala. People annually visit the Ayyapa temple located on the top of a hill Sabarmalai. Neighbour state devoted visit in thousands. On the last day of the visit during January month, the government officially involves electricity department, forest department, and temple administration in the function. On the other hill near Sabarmalai, the government arranges to light camphor so that devotees see the light. It is described as divine light. Of course it is make believes. This practice is going every year. Communists also practice this anti—secular make believe.

When there were protests, the Chief Minister of communist party defended the practice saying that the state gains much through revenue from pilgrims and hence there should be no protest.

Communist party (Marxist) is in power in West Bengal State. Every year Durga cult religious sacrifices were performed for 9 days with all pomp. The state government makes all arrangements and encourages the religious practice. The communist government described this practice as ‘cultural’ and continues to gain popularity among people. This is another compromising attitude to perpetuate political power. Communists never
tried to educate people about wrong notions of Durga cult, lest they should lose cheap popularity.

Mr. Surjit Singh, communist party leader from Punjab state wear Sikh turban, grows beard and moustache. He looks like typical Sikh religious person. Sikh religion insists that hair should not be cut; turban is must and so on and so forth. The communist leader never resisted this Sikh religious practice nor tried to educate the Sikhs that dress is personal. On the other hand they defend these cult practices in dress, food as ‘cultural’ and followed them.

Mr. Kalam was the Scientist from South India. When he was elected as president of India, secularists felt happy and expected genuine secular practice from the highest dignitary. But Mr. Kalam started visiting cult holy persons like Satya Sai Baba, Matha Amrithananda Mayi and Brahma Kumaris. The practice of encouraging holy persons started with first president of India Mr. Rajandra Prasad. The first president not only visited the religious persons but also even went to the extent of washing their feet in public. The Presidents Sankar Dayal Sharma, Venkataraman officially exhibited their faith.

The BJP was in power for sometime in the centre and in some states. They stood for religion and hence there is no expectation from them to practice secularism. The disappointment came from Congress party and left parties. Muslims and Christians, Sikhs etc. took advantage of misinterpretation of secularism and gained much for their religious practices. Muslims started ignoring the rulings of Supreme Court regarding noise pollution at the time of prayers. Muslims use Mikes and loudspeakers causing nuisance to residents, students during examination time. Christians and Hindus also imitate them and started using mikes and loud-speakers as though god is not listening low sound Religious churches, Masjids, Hindu
temples are built obstructing the roads and traffic. In the name of religion it is shown as though anything and everything is possible.

Thousands of Holy persons emerged to earn illegal money and property since exemptions are there and accountability is absent. Most religious places involve in business that has become very lucrative and powerful centers. Tirumala-Tirupata has become largest pilgrimage centre with enormous income. The money source at this temple is not questioned. Hence much illegal amount reaches the holy place and government accepts this practice in the name of religion. All such illegal and anti secular activity is rampant throughout the country, shared by all the political parties.

FUTURE OF SECULARISM IN INDIA

The question of future of secularism in India is very important particularly at this Juncture. The fundamentalist forces are raising their head in India as in other countries of the world and no religion is exception to this. There are many reasons for this in India, Hindu fundamentalism has become much more aggressive than say Muslim fundamentalism. Secularism today is in much greater danger than ever before due to Hindutva and Islamic Militancy, though Islamic militancy is opposed but the Hindutva has gained entrance in political scenario and is dominating the socio-political situation of the country which has completely endangered the Indian secularism.

Secularism is highly necessary if India has to survive as a nation. India has to begin the practice of secularism, somewhere, to start with there should be clear understanding that secularism means separation of state from religion in all matters. Religion is faith based and hence confine to individual belief related to God and supernatural spirituality. In the matters of state the law should be equal to all irrespective of religion. There should
be no exemptions to the principle that all are equal before law (Article 14). Some people including religious persons should not be kept above law under any circumstance.

Secularism is a great need for democratic pluralism. Secularism has evoked certain controversies in India from very beginning. In democracy, all are equal citizens though they may not follow same religion or may not follow any religion at all. India happens to be multi-religious country. A multi-religious society can't function democratically without secularism.

Our leaders and freedom fighters were well aware of need for secular and modern democratic polity for India. They also knew that India is highly religious country and that secularism in the sense of hostility or indifference to religion will never be acceptable to people of India. Secularism was never meant to be indifference to religion by Indian leaders. It is for this reason that even most orthodox among Hindus and Muslims accept it as a viable ideology for Indian unity and integrity. The most orthodox Muslim Ullama of Deoband School of thought preferred secular India to Muslim homeland than theocratic Pakistan. They out rightly rejected the idea of Pakistan when mooted by Jinnah. They denounced two nation theory on the basis of religion. In Indian situation secularism means equal protection to all religions. However, communalism and obscurantism spread with more intensity than secularism. Nehru, though personally agnostic, but never imposed agnostic or atheistic secularism. He said in his answer to a query by an Indian student at Oxford University in fifties that in U.K. State has a religion (Anglican Christianity) but people of England are quite indifferent to religion but in India State has no religion but people are very religious. Therefore, in Indian situation secularism means equal protection to all religions. Nehru was well aware of the fact that secularism is a great cementing force for the diverse people of India. Like Nehru, very few people were genuinely committed to secularism in the Congress. Many
eminent Congress leaders were opposed to it in their heart to heart. They tried to sabotage Nehruvain vision in his own lifetime and they became much more active after his death. Nehru could not pay much more attention to educational system in his lifetime. It could not be reformed. The old text books with communal approach introduced during the British period were never changed. The Congress leaders themselves approved of them. Those who did not, could not show enough courage to demand essential changes in history text books. Thus most of the Indians grew with subtle or pronounced communal mind set.

In fact the educated people were thus more affected with communal virus than the illiterate masses who never studied in schools and colleges. Similarly urban areas were more affected with communal virus than rural areas. Formation of Pakistan also greatly affected the thinking of educated middle class Hindus and looked upon Muslims as responsible for creation of Pakistan. They were never explained the complex political factors which brought about existence of Pakistan and that it was small percentage of elite Muslims who were more responsible for creation of Pakistan than the Muslim masses who did not even migrate to that country. Jinnah, in his struggle for power with the Congress leaders never cared to understand what would be the impact of creation of Pakistan on the Muslim minority, which would remain in India.

Thus the education system did not cultivate secular outlook and conservative political outlook continued to strengthen communal mindset among the educated middle classes. The Muslim leaders in independent India, after the death of Mulana Abul Kalam Azad and Zakir Hussain, could not provide moderate and wise leadership to Muslim masses. They also remained not only extremely cautious in their approach but never prepared Muslim masses for modern secular polity in India. They were more insistent on minority rights than on necessity for change.
This attitude was further strengthened among these leaders due to frequent occurrences of communal riots. The Jabalpur riot of 1961 shook Nehru as much as Indian Muslims to the core. For the first time they become greatly apprehensive of their security and began to withdraw in their shell. This further reinforced conservatism and began hurdle in developing secular outlook among Muslims. The Jabalpur riots were followed by more intense communal violence in Ahmedabad in 1969 and Bhivandi-Jalgaon in 1970.

The end of seventies and early eighties witnessed number of major communal riots in which hundreds were killed brutally. The RSS propaganda, on the other hand, was bringing more and more Hindus in the fold of Hindutva. All these developments were sure prescription for increasingly weakening secular forces in the country.

The decade of eighties saw rise of religious militancy among Hindus, Sikhs and Muslims. This decade also witnessed horrendous communal violence in north India. It was again during this decade that Khalistan movement came to the fore on one hand, and the Shah Bano and Ramjanambhoomi agitation on the other. Mandal Commission was implemented by V. P. Singh towards the end of eighties, which further gave boost to Hindutva forces. And in the beginning of nineties Babri Masjid was demolished which pushed Indian Secularism to the brink. It was greatest disaster and was followed by Bombay riots, which shocked whole world.

Thus we see Indian secularism has followed a tortuous course all through in the post-independence period. It is not surprising in a under developed country like India with its immense poverty, insurmountable levels of unemployment and widespread illiteracy. The BJP which came to power using its Hidutva card is not likely to give it up in near future. With every election it intensifies its Hidutva agenda. The other members of the Sang Parivar, specially the Vishva Hindu Parishad, tend to be more
irresponsible as it does not have to govern. It assumes extremist postures and threatens minorities. It is this irresponsible extremism which resulted in the Gujrat Carnage which again shooked the world. The BJP Government tends to be buffeted between the VHP extremism and National Democratic coalition compulsions. It thus fails to adopt consistent policies.

In the given circumstances the future of secularism does not seem to be bright. However, one should not take short term view based only on given context. A purely contextual view tends to be realistic but also restricted one. A vision, on the other hand, may not always be realistic but has a much broader sweep. And it is this broader sweep which shapes new realities and these new realities enables us to shape our future.

Though religion will never cease to be a force in human life secularism will not loose its relevance either. The modern democratic polity can not be sustained without the state being neutral to all religions or equally protective for all religions as Nehru put. And it is in this sense that secularism in India will become more and more relevant. It should also be noted that we should not pose secularism and religious orthodoxy as binary opposites as some rationalists tend to do. Religious orthodoxy, if not challenged by the other’s treats, would not yield to communalism. There is a Laxman Rekha between religious orthodoxy and communal discourse.

India has stupendous challenges to meet due to its economic backwardness and unemployment, which sharpen communal struggle. Unemployment and frustrated youth can easily be induced to think and act communally as he thinks his unemployment is due more to his caste or community than economic backwardness. Thus chances of secularism will certainly brighten with more economic progress and educated levels of unemployment, particularly educated unemployment.
In India some judges visit holy persons “publically”. This creates problems. It would be difficult for victims of holy persons to fight against injustice when judges openly prostrate before the holy persons. Justice can’t be expected from such persons. Similarly law officers, police should not exhibit their personal faith openly. Holy persons who indulge criminal activity take shelter with the support of police devotees. These things are happening continuously in India. Religious crimes also are crimes. There should be no exemptions to spiritual and religious persons so far as crimes, misappropriation of funds, sexual abuses are concerned. Religious practices of untouchability, castes, child marriages, practice of sati, oppressions on minorities, discrimination against women, child labour should not be tolerated and there should be no exemption to those who practice them. Rights of minorities should be confined to personal level as far as religion is concerned. This includes prayer, holidays, dress, food habits and civil law. They must not be brought to the streets.

Religious morality should not be confused with values and ethics. Religious values, morality are strictly confined to divine laws and supernatural realm. There is no verification, no proof for religious belief systems and religious values including moral faith. They should not be confused with human rights, human values and human morals. Secular values are moral and human. Secular values are not in any way connected with supernatural and para normal systems. Human rights and religions often don’t go together. When human rights and values emphasize that all are equal, men and women have the same rights, religions do not accept. In such cases religions wish to follow their holy texts like Gita, Koran, Bible which preach inequality between men and women. Secularism stands for sincere equality and genuine practice human rights and values. India needs secular practices in all walks of life. That will put India in futuristic stance. All state and central governments can observe secular holidays leaving the
religious holidays to those who observe them. That will make a good beginning for secular practice in India.

Fighters for Dalits, depressed groups, scheduled castes and scheduled tribes think that temple entry on equal footing with Hindus will solve the problem. Some reforms mistakenly think that if Dalits can be taught to become temple priests and marriage performance priests, that will uplift them. They are mistaken. In fact, they are leading blindly into the Hindu caste system, gradation method and accepting Karma theory. Exactly that is the reason why B. R. Ambedkar wanted the Dalits to leave Hinduism so that they can bid good-bye to untouchability, caste degradation. Temples, priesthood and religion will not uplift the Dalits and suppressed classes. On the other hand those deceitful practices lure the weak minds to accept suppression. Secular practices with human dignity, human values and human morality will alone bring them into great future.

Indian democracy, which is here to stay, is in itself a guaranty for future of secularism. A pluralist country like India needs socialism like life blood. India has been pluralistic not since post modernism but for centuries and no one can wish away its bewildering pluralism and this pluralism can be sustained only with religiously neutral polity. India sustained only with religiously neutral polity. India has been passing through very critical phases now but there is nothing to despair. The present communal turmoil is not here to stay. It would certainly yield to more stable secular polity.
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1. S.P. Mittal Vs. Union of India (1983)/ Sec., 72 per Mishra, J.
7. Feldman, Noah (2005). Divided by God. Farrar, Straus and Giroux, Pg. 14. (“[Legal Secularist] claim that separating religion from the public, governmental sphere is necessary to ensure full inclusion of all citizens”.)
18. V. P. Luthra, the concept of secular state and India, Oxford University Press, Calcutta, 1964, P. 18.

20. Ibid, p. 7


22. Madan 1998, 304

23. Ibid, 313


27. Ibid. P. 216.


34. Ibid, 310.


41. Madan 1997, 246.

46. These parameters in case Indian constitution, were first suggested by D. E. Smith in his celebrated work, *India as a Secular State*, published in 1963, and since then have become standard points of reference in regard with the secular character of the constitution of India.
47. The constitution of India is from November 26, 1949.
50. Also articles 25 – 28 focus on religious rights.
51. Also see Articles 25 – 28 focus on religions rights.
55. Clause 13. All persons are equally entitled to freedom of conscience, and the right to freely profess, practice and propagate religion, subject to public order, morality, or health, and to the provisions of this part.

**Explanation I:** The wearing or carrying of Kirpans shall be deemed to be included in the propagation of the Sikh Religion.

**Explanation II:** The rights shall not include any economic, financial, political or other secular activities that may be associated with religious practice.
Explanation III: The freedom of religious practice shall not debar the state from enacting laws for the purpose of social welfare and reform and for throwing open Hindu religious institutions of a public character to any class or section of Hindus. Ibid., P. 476.

56. Clause 14: Every religious denomination or a section thereof shall have the right to manage its own affairs in matters of religion and subject to the general law, to own and acquire and administer property, movable and immoveable, and to establish and maintain institutions for religious and charitable purposes. Ibid., P. 478.

57. Clause 15: No person may be compelled to pay taxes, the proceeds of which are specifically appropriated to further or maintain any particular religion or denomination. Ibid., P. 478.

58. Ibid., PP. 480, 496.

59. K. M. Munshi, Pilgrimage to Freedom (1967), P. 310. Munshi describes this resolution as a definition of Indian secularism.


61. See C.A.D. VIII, P. 310.


63. See the Statesman (Delhi), 28 August 1947, P. 1, col.4.

64. See C.A.D. VIII, PP. 313-15 for the report of the special Sub-committee on Minority Rights.

65. Ibid., P. 311.

66. Ibid., P. 272.

67. Ibid., PP. 328 – 29.

68. Ibid., PP. 799 – 800.

69. Ibid., P. 332.


71. Ibid., PP. 831 – 33.


74. Ibid., P. 12.

75. Ibid., P. 12.


80. Wilfred Cantwell Smith, "Islam in Modern History", (Mentor Book, 1967), P. 87, f.n. 112.


87. Ibid., 243-4.


89. The Indian Political Scientist Rajni Kothari dubbed this the "Congress System". See Rajni Kothari, Politics in India (Bostan: little, Brown, 1970).

90. Even one of the staunchest critics of Indian democracy concedes that Nehru’s role in promoting India’s institutional development was exemplary. See Fareed Zakaria, the future of freedom.


92. For example, even after the rise of violent Sikh separatism in the Punjab and the Indian Army’s attack on the Golden Temple in Amritsar, the holiest Sikh shrine, she refused to dispense with her Sikh bodyguards. She explicitly stated that in a secular state the removal of her bodyguards on the basis of their faith will convey an infelicitous political symbolism.
93. For a detailed analysis of the rise of the Jana Sangh and its affiliated organizations, see Bruce Desmond Graham, Hindu Nationalism and Indian politics: The origins and Development of the Bhartiya Jana Sangh (Cambridge: Cambridge University Press, 1990).


95. For a scholarly analysis of this controversy, see sarvepalli Gopal, Anatomy of confrontation (New Delhi Viking, 1991).
